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JUL 07 2008

Attorney's Docket: 2002DE142
Serial No.: 10/533,999
Group: 1796

REMARKS

The Office Action mailed March 07, 2008, has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. The amendments made herein are fully supported by the Application as originally filed. No new matter has been added. Accordingly, reconsideration of the present Application in view of the above amendments and following remarks is respectfully requested.

CLAIM STATUS

Claims 1-19 are pending in this Application. By this Amendment, claims 1, 2 and 13 have been amended. Claims 4-8 and 15-19 have been withdrawn as being directed to a non-elected invention.

Election/Restrictions

The Office has restricted the invention under 35 USC § 121 into the following groups:

I. Claims 1-3 and 9-14; and
II. Claims 4-8 and 15-19.

For prosecution in this Application, Applicants elect Group I, claims 1-3 and 9-14, without traverse.

Specification

The Office states that the Abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR § 1.5(b)(4). Attached hereto is a new Abstract presented on a separate sheet apart from any other text.

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Claim Rejections Under 35 USC § 102 and 35 USC § 103

Claims 1-3 and 9-14 stand rejected under 35 USC § 102(b) as anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over Machtold et al. (US 5,061,585). Claims 1-3, 9, 13 and 14 stand rejected under 35 USC § 102(b) as anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over Schafer et al. (US 3,652,602). Claims 1-3 and 9-14 stand rejected under 35 USC § 102(b) as anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over Metz et al. (US 6,168,895). These rejections are respectfully traversed.

As will be noticed by the Office, Independent claim 1 has been amended to recite a compound having an aniline content of less than 2,000 ppm as determined by high performance liquid chromatography. All of the references cited in the above referenced rejections do not disclose, teach or suggest a compound of this type having an aniline content less than 2,000 ppm.

For this reason, it is respectfully contended that independent claim 1 and all claims depending there from are not anticipated by US 5,061,585; US 3,652,602 or US 6,168,895.

Turning now to obviousness, it is Applicants' respectful contention that a *prima facie* case of obviousness has not been made. Prior to Applicants' invention, there existed in the prior art no compound of the type recited in claim 1 that was capable of having aniline content of less of 2,000 ppm. It is respectfully contended that a *prima facie* case of obviousness must entertain all of the limitations of the claim. Here, the references used in the rejection fail to recite an aniline content of less than 2,000 parts per million.

The reasons such prior art references can not render the instantly claimed invention obvious is made clear by the enclosed declaration under 35 CFR § 1.132 by Dr. Hans-Tobias Macholdt. Such declaration details the history of these dyes and there inability to achieve the aniline content hereby achieved by the instant invention. Moreover, such declaration attests to the unexpected and surprising

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results that were uncovered by the instant invention by virtue of the fact that such a low aniline content could be achieved.

For all the foregoing reasons, it is respectfully contended that the 35 USC § 103 rejections have been overcome. In consequence, Applicants courteously solicit reconsideration and withdrawal of the rejections.

In view of the forgoing amendments and remarks, the present application is believed to be in condition for allowance, and reconsideration of it is requested. If the Examiner disagrees, she is requested to contact the attorney for Applicants at the telephone number provided below.

Respectfully submitted,

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